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C O N F I D E N T I A L SECTION 01 OF 02 KYIV 000466

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TAGS: PGOV PREL UP

SUBJECT: UKRAINE: SHALL WE DANCE? TYMOSHENKO AND YUSHCHENKO  
TRYING TO COOPERATE, AGAIN

REF: A. KYIV 452

1B. KYIV 89

Classified By: Ambassador for reasons 1.4(a,b,d).

11. (C) Summary. Opposition leader Yuliya Tymoshenko and Presidential Secretariat Head Viktor Baloha separately told the Ambassador February 20-21 that there was a new, deeper cooperation agreement between Our Ukraine (OU) and the Tymoshenko Bloc (BYuT) in the works; both were guardedly optimistic that this current state of cooperation would last longer than the failed post-election effort in 2006. The political vision and intent of Yushchenko and Tymoshenko continue to differ greatly, however, with Tymoshenko focusing on confrontation with Regions and Yushchenko stressing the need for cooperation and compromise. The BYuT-OU cooperative plan is currently scheduled to be announced at a February 24 press conference. Tymoshenko, who met with President Yushchenko February 21 immediately before seeing the Ambassador, claimed the two sides would agree that Yushchenko would veto all laws put forward by the Anti-Crisis Coalition (ACC) passed without consultations with the opposition and that BYuT will not support any veto overrides, forcing the Regions-led coalition to coordinate laws with OU and BYuT or risk bringing the Rada's legislative activities to a halt. According to Tymoshenko, her medium-term goal is still early Rada elections. However, distrust between the BYuT and OU, coupled with a Constitutional Court that is increasingly looking like it will back Regions's position on the political balance of powers, could make the new cooperation effort as rocky as it has been in the past. End summary and comment.

Tymoshenko: Orange Reconciliation against Regions?

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12. (C) Tymoshenko told Ambassador that she had just come from a meeting with Yushchenko and his political team in which the two sides were finalizing the details of a new cooperation plan. They would hold a press conference on Saturday, February 24, at which they would declare a unification of their efforts and sign a long-term, strategic agreement. The plan consisted of three parts. The first would be their program and vision for Ukraine. It would be based on the tortuously negotiated post election coalition agreement from late spring 2006 that would have formed the basis for a BYuT-OU-Socialist coalition. The second part of the agreement would be a set of rules of procedure on how cooperation will work, both in and out of the Rada. Finally, the third part would outline how relations would work during and after new Rada elections, if there were preterm elections.

13. (C) Tymoshenko explained that BYuT's actions this week in the Rada--blocking the rostrum and disconnecting electricity in the session hall to disrupt the plenary session--were intentional steps to escalate the confrontation and force new

elections (note: Regions conducted retaliatory rostrum blocking and succeeded in forcing votes February 22 to reject Yushchenko's nominations for Foreign Minister and SBU chief - see ref A).

¶4. (C) There were a number of conceptual issues, Tymoshenko said, that affect how this agreement would function. The agreement stipulated that Yushchenko would veto any bill that received less than 300 votes; in other words, he would support no bill passed without BYuT and OU support. In exchange, BYuT would not vote to override any presidential veto, as it had on the CabMin law in January (ref B). This would mean that Yanukovych's Anti-Crisis Coalition (ACC) would not be able to legislate without cooperating with the BYuT-OU opposition.

¶5. (C) Calling early elections was a core goal of the cooperation, she claimed (note: which would favor BYuT at OU's expense. End note). In addition, they would try to raise the election barrier to 5 percent, to weed out Regions's junior partners (note: the Communists and Socialists. There were earlier indications Regions might be in favor of this move to push Ukraine towards a two-party system. End Note). If Yushchenko agreed to lead Our Ukraine, Tymoshenko claimed he would attract back some of the smaller parties the OU bloc lost in the 2006 election and OU might score 15 percent of the vote (Note: no opinion polls suggest such support; this may be part of Tymoshenko's pitch to Yushchenko. End Note). Tymoshenko anticipated that BYuT could get 25 percent and Regions 26-27 percent of a vote; if no other parties passed the threshold, BYuT and OU could form a Rada majority and the next government.

Baloha Says Cooperation is Only Option

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¶6. (C) Baloha, acting party head of People's Union Our Ukraine, the largest party in the six-party OU faction, told Ambassador on February 20 that Yushchenko and his "team" have decided to fully cooperate with Tymoshenko both in and out of the Rada, to ensure unity of effort of all democratic forces. OU would not make the same mistake that they had in 2006 after the elections, when they conducted parallel negotiations with Tymoshenko and Regions, a failed strategy which eventually led to the formation of the Regions-Socialist-Communist coalition. Baloha said the two sides had been meeting day and night to hammer out the new agreement. 200 MPs and the power of the veto, Baloha argued, would strengthen the President's authority. There was a necessity to ensure a system of balance so that no one force completely dominated Ukraine's power structure. The OU-BYuT rapprochement was designed to create that balance that had been missing the past six months.

But Will It Work?

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¶7. (C) Tymoshenko claimed to Ambassador that Yushchenko had told her that he could not reach an agreement with Yanukovych and was now on board with cooperating with Tymoshenko, although she somewhat skeptically added that since so many agreements between the OU and BYuT camps in the past had fallen through, it was hard to be overly optimistic. If Yushchenko and his camp prove sincere, BYuT would follow through on the cooperative efforts. In an attempt to discourage competition between the two forces, the new agreement would also stipulate that all posts in a potential new government would be divided 50-50. She claimed the bottom line was that Ukrainian politics should not stay in its current state of disorganization forever--either Yanukovych would amass all the power in his hands, or the two Orange forces would return to power. Tymoshenko claimed both were realistic scenarios, but nothing would be solved through roundtables and commissions. It was time for more drastic

measures.

¶ 8. (SBU) Yushchenko for his part, in a live February 22 interview in Crimea, struck a different tone when asked about the current political situation in the aftermath of the coalition's rejection of his nominees for the posts of Foreign Minister and SBU chief. He said that the 2004 constitutional amendments had upset the constitutional balance of power in the country, leading to political confrontation evident in recent weeks and the need to ensure checks and balances to avoid authoritarian tendencies. However, he added that Ukrainian political forces needed to learn to live together and preferably cooperate. New elections would not bring a radical realignment of the political landscape; there was no alternative to talk and compromise.

¶ 9. (C) Comment: As Regions has increasingly demonstrated that it will deal with Yushchenko solely on its terms, Yushchenko appears to have agreed on the need to try to work with Tymoshenko as a counterbalance. Even with the best of intentions, however, the history of distrust between the two leaders and their blocs will make cooperation a bumpy road. One other possible wrench in Tymoshenko's plans is her reliance on Constitutional Court (CC) rulings on key issues, particularly her assertion that Yushchenko has the right to disband the Rada because the Government was formed improperly last summer. However, the preliminary vote on the first key ruling from the CC did not go in the Orange team's favor; on February 15, the Court suggested it would uphold the law passed in August 2006 that bans the CC from reviewing the 2004 constitutional reforms. Although a final ruling has not been issued, such a decision would be the reverse of *Marbury vs. Madison*, undermining the principle of judicial review. If the trend continued, it would be very difficult for Yushchenko to call for new Rada elections, absent a (unlikely) defection by the Socialists or Communists from the majority coalition.

¶ 10. (U) Visit Embassy Kyiv's classified website:  
[www.state.sgov.gov/p/eur/kiev](http://www.state.sgov.gov/p/eur/kiev).

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